

accompanying papers, reports, and documents, and were referred as indicated:

EC-1190. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the report of proposed legislation to authorize appropriations for the Broadcasting Board of Governors for Fiscal Years 2006 and 2007, received on March 3, 2005; to the Committee on Foreign Relations.

EC-1191. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Loss Limitations Rules" ((RIN1545-BA52) (TD 9187)) received on March 3, 2005; to the Committee on Finance.

EC-1192. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2005 Census Count" (Notice 2005-16) received on March 3, 2005; to the Committee on Finance.

EC-1193. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD: Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts" ((RIN1545-BB77)(TD 9185)) received on March 3, 2005; to the Committee on Finance.

EC-1194. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Notice 2005-4" (Notice 2005-4) received on March 3, 2005; to the Committee on Finance.

EC-1195. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Durable Medical Equipment Regional Carrier Service Areas and Related Matters" (RIN0938-AL76) received on March 3, 2005; to the Committee on Finance.

EC-1196. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Changes to the Medicare Claims Appeal Procedures" (RIN0938-AM73) received on March 3, 2005; to the Committee on Finance.

EC-1197. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Trinity Lakes Viticultural Area" (RIN1513-AA29) received on March 3, 2005; to the Committee on the Judiciary.

EC-1198. A communication from the Chief, Division of Scientific Authority, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Special Rule to Control the Trade of Threatened Beluga Sturgeon (Huso huso)" (RIN1018-AT54) received on March 3, 2005; to the Committee on Energy and Natural Resources.

EC-1199. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" received on March 3, 2005; to the Committee on Energy and Natural Resources.

EC-1200. A communication from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Probate of Indian Trust Estates" (RIN1094-AA50) received on March 3, 2005; to the Committee on Indian Affairs.

EC-1201. A communication from the Deputy Assistant Secretary for Labor-Management Programs, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the Annual Report of the Department's Office of Labor-Management Standards, received on March 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself, Mr. HAGEL, Mr. MCCAIN, Mr. KERRY, Mr. BIDEN, Ms. LANDRIEU, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 530. A bill to amend section 691 of title 10, United States Code, to increase the end strengths of the Army and the Marine Corps for fiscal years after fiscal year 2005, and for other purposes; to the Committee on Armed Services.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 531. A bill to amend the Agricultural Adjustment Act to exempt certain identified varieties of tomatoes from agricultural marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEWINE:

S. 532. A bill to reduce temporarily the duty on palm fatty acid distillate; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 533. A bill to amend the Internal Revenue Code of 1986 to clarify that a NADBank guarantee is not considered a Federal guarantee for purposes of determining the tax-exempt status of bonds; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 72. A resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 397

At the request of Mr. CRAIG, the name of the Senator from South Caro-

lina (Mr. GRAHAM) was added as a cosponsor of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 471

At the request of Mr. SPECTER, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 471, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 489

At the request of Mr. ALEXANDER, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. CRAIG), the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. LOTT), the Senator from Kansas (Mr. ROBERTS), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Oregon (Mr. SMITH) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 489, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 495

At the request of Mr. CORZINE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. RES. 56

At the request of Mr. REID, his name was added as a cosponsor of S. Res. 56, a resolution designating the month of March as Deep-Vein Thrombosis Awareness Month, in memory of journalist David Bloom.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. HAGEL, Mr. MCCAIN, Mr. KERRY, Mr. BIDEN, Ms. LANDRIEU, Mrs. CLINTON, and Mr. NELSON of Florida):

S. 530. A bill to amend section 691 of title 10, United States Code, to increase the end strengths of the Army and the

Marine Corps for fiscal years after fiscal year 2005, and for other purposes; to the Committee on Armed Services.

Mr. HAGEM. Mr. President, I rise today to join my colleague Senator JACK REED in introducing legislation to increase the size of the United States Army by 30,000 troops and the United States Marine Corps by 5,000 Marines.

In recent testimony before the Senate Armed Services Committee, Army Chief of Staff General Peter Schoomaker testified that the current Army endstrength of 502,400 troops is adequate to fight the Global War on Terrorism if the Army National Guard and Army Reserve can sustain the current active-duty force.

Our current over-dependence on Army National Guard and Army Reserve mobilization is irresponsible policy. This policy threatens to break the United States Army and severely damage our national security.

America should not leverage its security interests upon a Reserve and National Guard force that is already overstressed and over-burdened. There are 100,000 soldiers in the Army National Guard mobilized and serving on active duty. An additional 50,000 Army Reserve soldiers have been mobilized. Many of these reservists are in critical specialty areas and are completing 2 years on active-duty.

The Global War on Terrorism began almost 3½ years ago. Since then, the active-duty Army has grown 5 percent, while the demands placed on our soldiers have skyrocketed. LTG Richard Cody, Vice Chief of Staff of the Army, recently testified to Congress that almost 50 percent of the Army's available manpower is deployed.

The bulk of our active-duty combat soldiers are currently in a cycle of deployment that includes 1 year in Iraq or Afghanistan followed by 1 year at home. The Marine Corps has shortened the cycle to 7 months deployed and 7 months at home. However, these soldiers and Marines are no longer spending time with their families. Instead, their time at home is spent training and preparing to redeploy.

These deployment cycles are just as demanding for our National Guard and Reserve personnel. GEN James Helmly, Commander of the Army Reserve, has told the Pentagon leadership that current personnel and deployment policy threatens to permanently damage the Army Reserve's recruitment and retention.

This policy is not sustainable. It must be changed. In order to effectively meet the global challenges of the 21st century, our efforts must assure Americans that the Army and Marines have a sufficient number of full time, highly trained and fully qualified personnel to do the job.

The Army has over 500,000 soldiers on active duty today. By the end of this

year the Army will have over 510,000 soldiers. Later this year the Marine Corps will have over 178,000 Marines on active duty. Yet the Pentagon's Fiscal Year 2006 budget submission only pays for 482,400 soldiers and 175,000 Marines.

The Department of Defense, DoD, has chosen not to fund known costs and instead has deferred an increase in Army endstrength to upcoming supplemental appropriations requests. The leaders of our Armed Forces must have realistic funding in order to conduct realistic wartime planning and execution. The Congress and the American people expect DoD to tell us what our real National Security costs are.

In previous years, Senator REED and I have introduced legislation to increase the size of the Army. In 2003, our first effort to increase Army endstrength by 10,000 troops was simply dismissed by the Pentagon.

Last year, our second effort to increase the size of the Army by 30,000 soldiers resulted in compromise legislation to add 20,000 soldiers to the Army and 3,000 Marines to the Marine Corps. The Pentagon has essentially ignored this provision in last year's Defense Authorization Bill by not funding the increased personnel in the Fiscal Year 2006 budget.

The legislation Senator REED and I introduce today will establish a U.S. Army endstrength of 532,400, which is 30,000 soldiers higher than current levels. It will also establish a U.S. Marine Corps endstrength of 183,000 or an additional 5,000 Marines. Our legislation requires DoD to make these new endstrength levels permanent and requires DoD to pay for it in their annual budgets.

Our effort to increase the endstrength of the Army and the Marines is not a choice between increased manpower versus critical recapitalization, modernization, research, and military construction needs. DoD must have both fully funded.

Article 1, section 8 of the United States Constitution gives Congress the power "to provide the common defense . . . to raise and support Armies . . . to provide and maintain a navy . . . and to make laws which shall be necessary and proper for carrying out the foregoing powers." The Congress must exercise its responsibility to ensure that our Army and Marine Corps remain the best led, best trained, best equipped and most professional fighting force in the world. I urge my colleagues to support this important legislation.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 531. A bill to amend the Agricultural Adjustment Act to exempt certain identified varieties of tomatoes from agricultural marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I join today with my colleague from Pennsyl-

vania to introduce the Agricultural Marketing Success Act, legislation that would amend the Agricultural Marketing Act, AMAA, of 1937 by permitting identified tomato varieties operating under an enhanced U.S. Department of Agriculture, USDA, inspection and audit program, the Identity Program, to be exempt from marketing order restrictions. Additionally, my House colleague from Pennsylvania, Representative SHERWOOD is submitting similar legislation.

This legislation would terminate the restrictions imposed on the Ugly Ripe tomato, which is owned and produced by a Pennsylvania tomato company, by the Florida Tomato Committee, FTC. The FTC sets standards pertaining to the shape of round tomatoes grown South and East of the Suwannee River and shipped out of Florida from October 10 through June 15 of each year.

The impetus for this legislation began three years ago when the FTC granted the Ugly Ripe tomato an exemption from the grade standards, pertaining to size and shape, which resulted in robust sales nationwide. However, in the fourth year or growing season, the FTC denied an exemption claiming that the Ugly Ripe did not meet the appropriate shape.

Once the FTC made its decision not to allow an additional exemption for the Ugly Ripe, I was surprised to see that Cherry tomatoes, Roma tomatoes, and Grape tomatoes did continue to receive their exemptions. Therefore, I, along with my colleagues from Pennsylvania, met with USDA Secretary Mike Johanns to discuss the matter and requested that he review the actions taken by the FTC and to use his authority under the AMAA of 1937 to overrule the recommendation of the FTC and grant an additional exemption, which will permit the product to be shipped interstate during the growing season. We were assured by USDA a timely response and subsequently we are offering this legislation to expedite their focus on this important issue. We hope our congressional support assists the Secretary in making his decision.

I urge my colleagues to cosponsor and support this legislation, which would allow the growers of the Ugly Ripe an opportunity to market their product without conforming to an unreasonable standard. It is my hope that this legislation will evoke necessary changes in shape requirements.

By Mr. DEWINE:

S. 532. A bill to reduce temporarily the duty on palm fatty acid distillate; to the Committee on Finance.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the attached bill to reduce temporarily the duty on palm fatty acid distillate be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION OF DUTY ON PALM FATTY ACID DISTILLATE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the

United States is amended by inserting in numerical sequence the following new heading:

“ 9902.39.40	Monocarboxylic fatty acids derived from palm oil (provided for in subheading 3823.19.2000)	1%	No change	No change	On or before 12/31/2007	”.
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(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mrs. HUTCHISON:

S. 533. A bill to amend the Internal Revenue Code of 1986 to clarify that a NADBank guarantee is not considered a Federal guarantee for purposes of determining the tax-exempt status of bonds; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, today I am pleased to introduce a bill to improve the effectiveness of the North American Development Bank (NADBank), which supports water and other important environmental projects along the border region. My bill enhances the capabilities of the NADBank by clarifying IRS rules in order to expand the ways it can help our communities.

The NADBank was created with a mandate to improve the quality of life along the border by financing environmental related projects, such as wastewater treatment. The tools it was given have been limited, and as a result has restricted its effectiveness. To address this issue, the NADBank has evolved over the years with a wider array of products to offer. Legislation I sponsored in the Senate during the last Congress and which became law, for example, allows the NADBank to offer a new combination of grants and loans.

We can do more to reform the NADBank and increase its effectiveness. One tool the NADBank can offer is loan guarantees, which communities could use for debt they issue. The guarantee would increase the credit rating of the debt and result in lower interest rates the issuer would need to offer, thereby making a project more affordable. Under current law, however, the NADBank's guarantee is considered a Federal subsidy. A general principle of Federal tax law is that one cannot receive more than one Federal subsidy. Since communities will always prefer to receive the benefit of a tax-exempt municipal status for their bonds, they never take advantage of the NADBank's loan guarantee. Due to this situation, the NADBank has never used its ability to guarantee a bond.

It does not make sense to consider a guarantee from the NADBank, which is an international institution, as a United States federal government guarantee. Not only does it not make sense, it also inhibits the NADBank's ability to help border communities. My

bill addresses this issue by clarifying the tax code to ensure a NADBank guarantee is not considered a federal subsidy. The NADBank guarantees will be treated like those from the Federal Housing Administration, the Veterans' Administration, and the Federal National Mortgage Association and other government-sponsored entities. This will give our border communities an important new tool to use as they address their infrastructure and environmental needs.

It is to everyone's benefit to develop ways to improve the quality of life for our citizens. This is particularly important along our southern border, which faces numerous challenges. I hope my colleagues will support this bill and continue our efforts to make the NADBank as effective as possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 72—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 72

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Lott, Mr. Cochran, Mr. Chambliss, Mr. Inouye, and Mr. Dayton.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Stevens, Mr. Cochran, Mr. Lott, Mr. Dodd, and Mr. Schumer.

AMENDMENTS SUBMITTED AND PROPOSED

SA 51. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table.

SA 52. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 256, supra.

SA 53. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 256, supra.

SA 54. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 256, supra; which was ordered to lie on the table.

SA 55. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 256, supra; which was ordered to lie on the table.

SA 56. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 256, supra; which was ordered to lie on the table.

SA 57. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 256, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 51. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 256, to amend title 11 of the United States Code, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, strike line 2 and all that follows through line 4 and insert the following: “tion of a party in interest, may order the”.

On page 14, line 7, insert “and reasonable trustee fees based upon the trustee's time in prosecuting the motion,” after “fees,”.

Beginning on page 14, strike line 10 and all that follows through page 15, line 17, and insert the following:

“(i) the court grants such motion.

“(B) Any costs and fees awarded under subparagraph (A) shall have the administrative priority described in section 507(a)(2) of this title, and such costs and fees shall be excepted from the discharge described in section 727 of this title in the current or any successor cases filed under this title.

On page 16, strike line 8 and all that follows through line 10 and insert the following: “the”.

On page 28, between lines 17 and 18, insert the following:

(1) ADDITIONAL GROUND OF NONDISCHARGEABILITY.—Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (18) the following:

“(18A) for costs or fees imposed by a bankruptcy court under section 707(b)(4) of this title, whether imposed in the current case or a prior case filed under this title.”.

On page 28, line 18, strike “(k)” and insert “(m)”.

On page 59, strike lines 16 and 17 and insert the following:

“(5) The declaration shall consist of the following certification:

On page 60, strike line 4 and all that follows through line 10.

On page 182, line 4, strike “EXPANSION” and insert “ENFORCEMENT”.

On page 182, line 7, insert “fraud and abuse exist in the bankruptcy system and that in order to curb this fraud and abuse, Federal bankruptcy courts should vigorously enforce” after “that”.

On page 182, line 8, strike “App.” and insert “App.”.

On page 182, strike line 9 and all that follows through line 19.

On page 459, lines 24 and 25, strike “, even if such amount has been discharged in a prior case under this title”.

SA 52. Mr. DODD submitted an amendment intended to be proposed by